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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,722	03/30/2001	Dale Tyson Roberts	1615.1001D2C	5204

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EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

MAIL DATE	DELIVERY MODE
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05/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/820,722

Applicant(s)

ROBERTS ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6-13, 16, 24, 27-29, 32-42, 65, 67-89, 98-102 and 108-115 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-29, 33-42, 65, 67-73, 77-89, 98-102 and 108-115 is/are allowed.
- 6) ☒ Claim(s) 2, 3, 7-13, 16, 24, 32 and 74-76 is/are rejected.
- 7) ☒ Claim(s) 4 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. Applicant is advised that the Notice of Allowance mailed January 12, 2007 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

2. Upon further review, prosecution on the merits of this application is reopened on claims 2, 9-13, 16, 24, 33 and 74-76 considered unpatentable for the reasons indicated below:

Art Rejections:

3. The texts of 35 USC 102(e) and 103(a) not cited here can be found in the previous office action.

4. Claims 2, 9-13, 33-37, 39-42 and 74-76 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Yankowski, U.S. pat. No. 5,751,672.

Per claims 2 and 12, Yankowski discloses a method for associating local and remote data on a local computer connected

to a network, comprising: outputting on the local computer remote data based on playback of a recording by the local computer, the remote data obtained via the network from at least one storage location dynamically determined when the playback of the recording occurs using an identifier derived from table of contents information for the recording (see col 5, lines 41-44 and col 8, lines 14-49).

Per claims 9-11, Yankowski teaches storing and retrieving text and graphic data related to track/song tiles, CD labels, etc., from the database (see col 10, lines 13-23).

Per claim 13, Yankowski teaches:

- a) numerically processing table of contents information to derive the record identifier, i.e., sampling numerical data (see col 5, lines 45-63);
- b) automatically accessing the remote computer at a location dynamically determined (i.e., dynamically establishing a connection) after verification of access to the recording by the local computer (i.e., upon user's election to retrieve data) (see col 8, lines 26-43); and
- c) comparing the identifier with records in a database maintained on the remote computer (see col 8, lines 44-49).

Claims 33-37, 39-42 and 74-76 are similar in scope as that of claims 2, 9-13.

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5. Claims 3, 7-8, 16, 24, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yankowski.

Per claims 7-8, Yankowski discloses a method for associating a recording at a local computer with data at a remote computer comprising:

- a) automatically executing a communication program on the local computer when the disc is played to send information related to table of contents to a remote computer (i.e., upon user's election to retrieve data) (see col 8, lines 26-43); and
- b) determining at the remote computer a stored data corresponding to an identifier sent from the local computer (see col 8, lines 44-46);
- c) outputting data obtained from the remote computer (see col 8, lines 46-49).

It is noted that obtained data would be stored in a storage location in the remote computer.

Yankowski does not explicitly teach automatically sending data from the remote computer to the local computer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that the sending step would have been performed automatically to reduce user's burden of manual entry (see col 8, lines 44-46).

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Per claim 16, Yankowski discloses a method for associating a recording at a local computer with data at a remote computer comprising:

- a) prompting user input regarding operations on the recording (see col 8, lines 26-29);
- b) verifying access to the recording (i.e., upon user's election to retrieve data) (see col 8, lines 26-43); and
- c) outputting data obtained from the remote computer using the identifier derived from the table of contents (see col 8, lines 44-49).

It is noted that obtained data would be stored in a storage location in the remote computer.

Yankowski does not explicitly teach prompting user input of the recording disc. An official notice is taken that such prompting input of the disc (when the disc is not present in the drive) is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize any conventional operations of the prior art disc drive in implementing Yankowski's invention including prompting user input of the recording disc. This is because it would have ensured providing the user with common operational functions of the disc drive.

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Per claims 3 and 24, Yankowski teaches querying the database using identifier derived from the table of contents (see col .8, lines 44-49). Thus, Yankowski's identifier is effectively used as a pointer to access the data stored in the remote database. Yankowski does not teach using identifier as partial pointer. An official notice is taken that the use of other parameters such as userIDs, passwords for accessing the database is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize any access control, e.g., passwords access, and/or database structure for operating the database in implementing Yankowski's invention. This is because it would have allowed practicing Yankowski's invention using any conventional database systems for storing network accessible supplemental data.

Per claims 38, Yankowski does not teach locating the remote computer using a URL. The use of URL to locate a computer on a network is well known in the art.

It would have been obvious to one skilled in the art to locate Yankowski's remote computer using any known address formats including URLs.

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Allowable Subject Matter:

6. Claims 4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 27-29, 32, 65, 67-73, 77-89, 98-102 and 108-115 allowed over prior art of record.

Conclusion:

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on 571-272-1915.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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3/20/07

VIET D. VU
PRIMARY EXAMINER